



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,585	07/16/2001	Yehoshua Yeshurun	YESHURUN=3A	3898

1444 7590 08/07/2003

BROWDY AND NEIMARK, P.L.L.C.  
624 NINTH STREET, NW  
SUITE 300  
WASHINGTON, DC 20001-5303

[REDACTED] EXAMINER

GUARIELLO, JOHN J

ART UNIT	PAPER NUMBER
1771	8

DATE MAILED: 08/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.	09/904585	Applicant(s)	Yeshurun et al.
Examiner	John Guarino	Group Art Unit	1771

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

Responsive to communication(s) filed on 5/18/2003.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

Claim(s) 1-13 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-13 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119 (a)-(d)**

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

**Attachment(s)**

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892

Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948

Other \_\_\_\_\_

**Office Action Summary**

Art Unit: 1771

## **DETAILED ACTION**

15. The Examiner acknowledges paper # 7, the extension of time, the amendment, and the substitute specification of 5/19/2003.

16. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 102***

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4, 5, 7, 13 rejected under 35 U.S.C. 102(b) as being

anticipated by Perry 4,901,622.

Rejection is maintained substantially as in paper # 6 of 12/18/2002.

Applicant's arguments regarding armour layer which is a brittle material and

Art Unit: 1771

being slantingly oriented have been considered but they are not persuasive because it is the Examiner's position that there is nothing in the independent claim not accounted for in the construction or structure as described by Perry.

Perry describes an armour construction (which corresponds to the claimed composite) of an outer layer and an inner layer, (see abstract; column 1, lines 18-25). Perry describes when a projectile penetrates at an oblique angle the outer layer is incident upon the inner layer, the inner layer can move laterally relative to the outer layer (which layer corresponds to the claimed invention of a layer slanted relative the expected trajectory of a projectile) the composite materials can be aramid, polyamide among others, (column 2, lines 1-10). Perry describes the laminate with a ceramic material which corresponds to the claimed essentially brittle material and claimed front layer, (column 2, lines 11-14). Perry describes the laminate may be formed as one or more sandwiches of a ceramic between fabric layers, (column 2, lines 18-24). Perry describes the essential limitations of the claimed invention.

Claims still lack novelty.

Art Unit: 1771

18. Claims 1-4, 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 2308 401.

Rejection is maintained substantially as in paper # 6 of 12/18/2002.

Applicant's arguments regarding spaced apart layers and at least an armor layer which is brittle have been considered but they are not persuasive because it is the Examiner's position that GB'401 still describes the features of the claimed invention.

GB'401 describes a bullet proof window pane (which is transparent) and is composed of three laminated window panes with at least one laminated window pane positioned obliquely relative to the adjacent panes having the effect of deflecting the path of a projectile, (see abstract; page 3, paragraphs 1-3; page 4, paragraph 1). GB'401 describes the glass panes which can be brittle since there are layers of glass with gas or liquid filled gaps, (page 2, lines 1-13). GB'401 describes the essential limitations of the claimed invention. Claims still lack novelty.

Art Unit: 1771

19. Claims 1-4, 7-8, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Gosnell 3,380,406.

Rejection is maintained substantially as in paper # 6 of 12/18/2002.

Applicant's arguments regarding the layers of material and plurality of modulus reinforcing members have been considered but they are not persuasive because it is the Examiner's position that there is no structure offered in the instant claims to differentiate from the structure of the prior art of Gosnell.

Gosnell describes transparent armor material (which corresponds to the claimed armour assembly as a laminate or composite), (see abstract). Gosnell describes lightweight armor with laminating glass or other high modulus transparent materials with a polymer binder, (column 1, lines 35-38). Gosnell describes thin plates of high modulus material, corresponding to glass or other material, disposing them within the composite in such a way that at least one major plane surface is at an acute angle to the outer surface of the composite, which corresponds to the claimed layer slanted relative the trajectory of the

Art Unit: 1771

projectile, (column 1, lines 40-53). Gosnell describes any glass or other transparent high modulus material such as ceramics, corresponding to the claimed brittle material, can be used, (column 3, lines 14-18). Gosnell describes the essential limitations of the claimed invention. Claims still lack novelty.

***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gosnell 3,380,406 in view of Harpell et al. 5,362,527.

Rejection is maintained substantially as in paper # 6 of 12/18/2002.

Applicant's arguments regarding hardened upon curing are not the same as claim 9 , (material hardenable) have been considered but they are not

Art Unit: 1771

persuasive because it is the Examiner's position that no structure is offered in the instant claims to differentiate from the structure of the prior art.

Gosnell as above in paragraph # 21 with the difference that it is silent about the heavy duty cloth material.

Harpell describes a flexible article which can be used as ballistic resistant body armor which corresponds to the armor assemble of the claimed invention, (see abstract). Harpell describes a composite with layers which are in disalignment with sandwiched planar bodies which corresponds to the plurality of armor elements arranged in a serrated layout, (see abstract; Column 6, lines 60-68). Harpell describes layers from fibers which may be coated which corresponds to the heavy duty cloth material which is impregnated as of the claimed invention, (column 9, lines 54-58). Harpell describes cover layers and backing layers which would correspond to the claimed front layer and backing layer, (column 22, lines 36-41).

It still would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the coated or impregnated fabric of

Art Unit: 1771

Harpell in Gosnell motivated with the expectation that the penetration resistance would be improved as noted in Harpell, (column 24, lines 33-65).

**22. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**23.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Guarriello whose telephone

Art Unit: 1771

number is 703-308-3209. The examiner can normally be reached on Monday to Friday from 8 am. to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-305-5408.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
John J. Guarriello:gj  
Patent Examiner

August 1, 2003

  
TERREL MORRIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700